

Introduced by Senator Liu

(Principal coauthor: Assembly Member Portantino)

February 15, 2012

An act to amend Section 1502 of the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1089, as introduced, Liu. Community care facilities: delinquent and at-risk youth.

The California Community Care Facilities Act provides for the licensing and regulation of community care facilities, as defined, and makes a violation of the act a misdemeanor.

This bill would include in the definition of a community care facility a facility that serves delinquent or at-risk youth, other than those youths placed in a county-operated facility or a facility operated by the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. The bill would include in the definition of a residential facility a boot camp, ranch camp, or forestry camp, other than those camps operated by a county or the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. By expanding the definition of a community care facility, this bill would expand the definition of an existing crime, thus creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1502 of the Health and Safety Code is
2 amended to read:

3 1502. As used in this chapter:

4 (a) “Community care facility” means any facility, place, or
5 building that is maintained and operated to provide nonmedical
6 residential care, day treatment, adult day care, or foster family
7 agency services for children, adults, or children and adults,
8 including, but not limited to, the physically handicapped, mentally
9 impaired, incompetent persons, *delinquent or at-risk youth, other*
10 *than those youths placed in a county-operated facility or a facility*
11 *operated by the Department of Corrections and Rehabilitation,*
12 *Division of Juvenile Facilities,* and abused or neglected children,
13 and includes the following:

14 (1) “Residential facility” means any family home, group care
15 facility, *boot camp, ranch camp, forestry camp,* or similar facility
16 determined by the director, *other than those camps or facilities*
17 *operated by a county or the Department of Corrections and*
18 *Rehabilitation, Division of Juvenile Facilities,* for 24-hour
19 nonmedical care of persons in need of personal services,
20 supervision, or assistance essential for sustaining the activities of
21 daily living or for the protection of the individual.

22 (2) “Adult day program” means any community-based facility
23 or program that provides care to persons 18 years of age or older
24 in need of personal services, supervision, or assistance essential
25 for sustaining the activities of daily living or for the protection of
26 these individuals on less than a 24-hour basis.

27 (3) “Therapeutic day services facility” means any facility that
28 provides nonmedical care, counseling, educational or vocational
29 support, or social rehabilitation services on less than a 24-hour
30 basis to persons under 18 years of age who would otherwise be
31 placed in foster care or who are returning to families from foster
32 care. Program standards for these facilities shall be developed by
33 the department, pursuant to Section 1530, in consultation with
34 therapeutic day services and foster care providers.

1 (4) “Foster family agency” means any organization engaged in
2 the recruiting, certifying, and training of, and providing
3 professional support to, foster parents, or in finding homes or other
4 places for placement of children for temporary or permanent care
5 who require that level of care as an alternative to a group home.
6 Private foster family agencies shall be organized and operated on
7 a nonprofit basis.

8 (5) “Foster family home” means any residential facility
9 providing 24-hour care for six or fewer foster children that is
10 owned, leased, or rented and is the residence of the foster parent
11 or parents, including their family, in whose care the foster children
12 have been placed. The placement may be by a public or private
13 child placement agency or by a court order, or by voluntary
14 placement by a parent, parents, or guardian. It also means a foster
15 family home described in Section 1505.2.

16 (6) “Small family home” means any residential facility, in the
17 licensee’s family residence, that provides 24-hour care for six or
18 fewer foster children who have mental disorders or developmental
19 or physical disabilities and who require special care and supervision
20 as a result of their disabilities. A small family home may accept
21 children with special health care needs, pursuant to subdivision
22 (a) of Section 17710 of the Welfare and Institutions Code. In
23 addition to placing children with special health care needs, the
24 department may approve placement of children without special
25 health care needs, up to the licensed capacity.

26 (7) “Social rehabilitation facility” means any residential facility
27 that provides social rehabilitation services for no longer than 18
28 months in a group setting to adults recovering from mental illness
29 who temporarily need assistance, guidance, or counseling. Program
30 components shall be subject to program standards pursuant to
31 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
32 2 of Division 5 of the Welfare and Institutions Code.

33 (8) “Community treatment facility” means any residential
34 facility that provides mental health treatment services to children
35 in a group setting and that has the capacity to provide secure
36 containment. Program components shall be subject to program
37 standards developed and enforced by the State Department of
38 Mental Health pursuant to Section 4094 of the Welfare and
39 Institutions Code.

1 Nothing in this section shall be construed to prohibit or
2 discourage placement of persons who have mental or physical
3 disabilities into any category of community care facility that meets
4 the needs of the individual placed, if the placement is consistent
5 with the licensing regulations of the department.

6 (9) “Full-service adoption agency” means any licensed entity
7 engaged in the business of providing adoption services, that does
8 all of the following:

9 (A) Assumes care, custody, and control of a child through
10 relinquishment of the child to the agency or involuntary termination
11 of parental rights to the child.

12 (B) Assesses the birth parents, prospective adoptive parents, or
13 child.

14 (C) Places children for adoption.

15 (D) Supervises adoptive placements.

16 Private full-service adoption agencies shall be organized and
17 operated on a nonprofit basis. As a condition of licensure to provide
18 intercountry adoption services, a full-service adoption agency shall
19 be accredited and in good standing according to Part 96 of Title
20 22 of the Code of Federal Regulations, or supervised by an
21 accredited primary provider, or acting as an exempted provider,
22 in compliance with Subpart F (commencing with Section 96.29)
23 of Part 96 of Title 22 of the Code of Federal Regulations.

24 (10) “Noncustodial adoption agency” means any licensed entity
25 engaged in the business of providing adoption services, that does
26 all of the following:

27 (A) Assesses the prospective adoptive parents.

28 (B) Cooperatively matches children freed for adoption, who are
29 under the care, custody, and control of a licensed adoption agency,
30 for adoption, with assessed and approved adoptive applicants.

31 (C) Cooperatively supervises adoptive placements with a
32 full-service adoptive agency, but does not disrupt a placement or
33 remove a child from a placement.

34 Private noncustodial adoption agencies shall be organized and
35 operated on a nonprofit basis. As a condition of licensure to provide
36 intercountry adoption services, a noncustodial adoption agency
37 shall be accredited and in good standing according to Part 96 of
38 Title 22 of the Code of Federal Regulations, or supervised by an
39 accredited primary provider, or acting as an exempted provider,

1 in compliance with Subpart F (commencing with Section 96.29)
2 of Part 96 of Title 22 of the Code of Federal Regulations.

3 (11) “Transitional shelter care facility” means any group care
4 facility that provides for 24-hour nonmedical care of persons in
5 need of personal services, supervision, or assistance essential for
6 sustaining the activities of daily living or for the protection of the
7 individual. Program components shall be subject to program
8 standards developed by the State Department of Social Services
9 pursuant to Section 1502.3.

10 (12) “Transitional housing placement facility” means a
11 community care facility licensed by the department pursuant to
12 Section 1559.110 to provide transitional housing opportunities to
13 persons at least 16 years of age, and not more than 18 years of age
14 unless the requirements of Section 11403 and paragraph (1) of
15 subdivision (a) of Section 11403.2 of the Welfare and Institutions
16 Code are met, who are in out-of-home placement under the
17 supervision of the county department of social services or the
18 county probation department, and who are participating in an
19 independent living program.

20 (b) “Department” or “state department” means the State
21 Department of Social Services.

22 (c) “Director” means the Director of Social Services.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.